

Notice of Allowability

Application No.

10/753,418

Examiner

Steven D. Maki

Applicant(s)

METZGER, JULIEN

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10-16-06.
2. ☒ The allowed claim(s) is/are 1-6, 11 and 12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>110206</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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Extension of Time

1) An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 10-26-06, Alan Kopecki requested an extension of time for TWO MONTH(S) and authorized the Director to charge Deposit Account No. 02-4800 the required fee of \$330 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Examiner's Amendment

2) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Cancel claims 7, 8 and 9.

In claim 1:

delete line 28 (eight lines from bottom)

delete line 29 (seven lines from bottom)

line 30 change "incision portions" to

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--each of other incision portions of said succession of incision portions of the incision--

line 31 after "with a plane" delete --P that extends in the direction of--

line 32 delete --such additional incision portion on the tread running surface and--

line 34 before "incision portions" change "additional" to --other--

In claim 12:

line 2 before "incision portions" change "additional" to --other--

In the specification:

in replacement paragraph for first full paragraph on page 12 (filed 10-16-06),

on line 2 after "median plane" delete --P--;

in replacement paragraph for second full paragraph on page 12 (filed 10-16-06),

on line 2 after "are inclined relative to the plane" delete --P--;

on lines 3-4 delete --, the plane P extending in the direction of the insert portion on such rolling surface--; and

on line 6 delete --P--.

3) Authorization for this examiner's amendment was given in a telephone interview with Alan Kopecki on 10-26-06.

Reasons for Allowance

4) The following is an examiner's statement of reasons for allowance:

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Fukuoka (US 5,950,700) discloses a tire tread comprising blocks having sipes wherein each sipe comprises a link portion 37 and a pair of main portions 36a, 36b inclined in opposite directions with respect to a radial direction. See figure 2. Although Fukuoka's sipe has a succession of incision portions 36a, 37, 36b wherein the one link portion 37 is oriented at zero degrees with respect to the longitudinal direction, Fukuoka fails to teach providing the opposite walls of "the incision portions whose traces make an average angle β ... with relief elements of amplitude K designed to cooperate with one another, during passage through the road contact zone, to block the relative movements between one incision wall and the opposite wall in the direction of the thickness of the tread and in the longitudinal direction of the tread, the amplitude K of said relief elements being between 4 and 10 times the mean width E of the incision".

The prior art of record including Fukuoka, Ishihara (US 2002/0139164), Heinen (WO 99/48707), Ghilardi (US 4705088), Japan 807 (JP 1-204807) and Buddenhagen (US 2612928) fail to disclose, teach or suggest a tread for a tire comprising:

"each incision of mean width E, comprises, from one lateral face of the ridge to its other lateral face, a succession of incision portions" (emphasis added)

and

"some of these incision portions, over at least a height H_e equal to half the maximum depth H_i of the incision and for any surface parallel to the contact surface in the new condition over said height H_e , having traces that make, with the longitudinal direction Y of the tread, an average angle β at most equal to 15° " (emphasis added)

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and

"said some incision portions, viewed in projection on this longitudinal direction Y, having a total length L_t at least equal to one-fifth of the width L of the ridge"

(emphasis added)

and

"the incision portions whose traces make an average angle β are provided on their opposite walls with relief elements of amplitude K designed to cooperate with one another, during passage through the road contact zone, to block the relative movements between one incision wall and the opposite wall in the direction of the thickness of the tread and in the longitudinal direction of the tread, the amplitude K of said relief elements being between 4 and 10 times the mean width E of the incision" (emphasis added)

and

"each of other incision portions of said succession of incision portions of the incision extending into the tread in a direction forming an average inclination γ smaller than 15° with a plane that is oriented perpendicular to the contact surface of the tread, wherein the respective inclinations γ of the other incision portions are opposite one another" (emphasis added)

in combination with the remaining limitations of claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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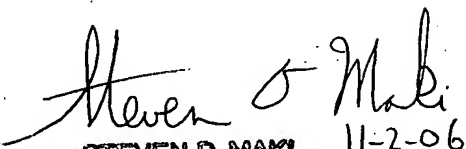
accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven D. Maki
November 2, 2006


STEVEN D. MAKI
PRIMARY EXAMINER
11-2-06



PCT/EP02/07003

2/3

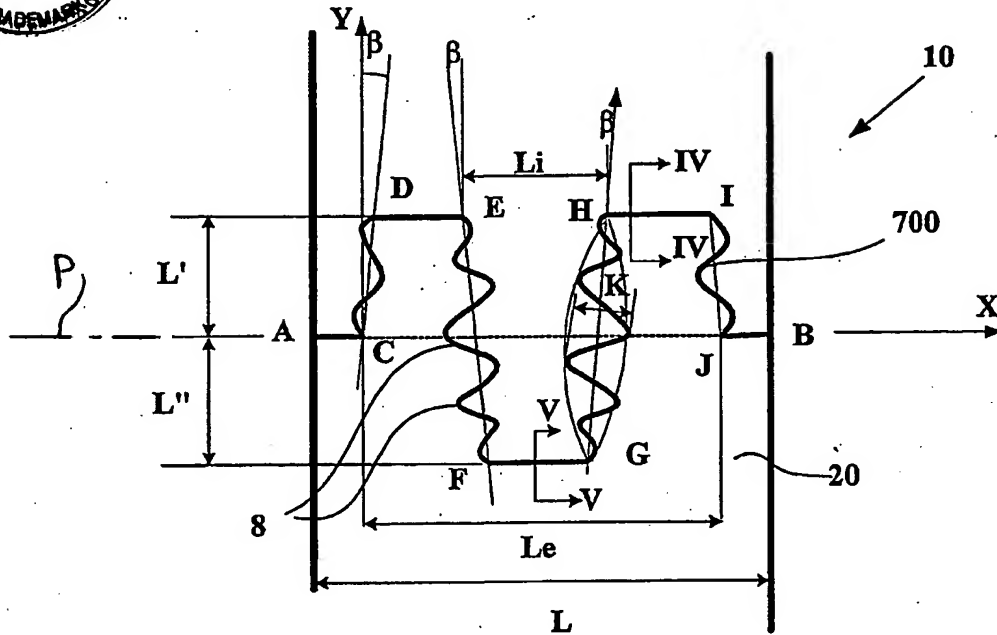


FIG. 3

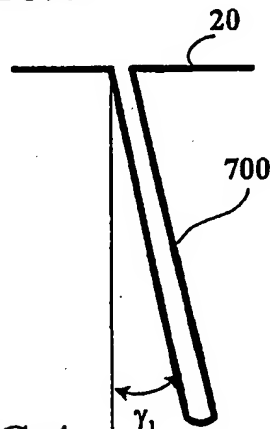


FIG. 4

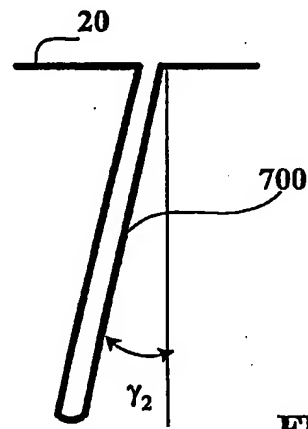


FIG. 5

Not
 approved
 11-2-06